

Application Serial No. 10/595,663
Amendment After Final dated February 24, 2009
Reply to Final Office Action dated November 24, 2008

REMARKS/ARGUMENTS

Applicants submit, contemporaneously herewith, a Request for Continued Examination pursuant to 37 C.F.R. § 1.114.

Claim 19 has been amended to call for the mechanical built-in part to be supported on and rotatable with one of the blade wheels. In Yokoyama, however, reactor or stator member 20 is connected to stationary housing 26 and therefore does not rotate with impeller member 16 or turbine member 18. Claim 19 has also been amended to call for the second adjusting device being controllable independently of the first adjusting device. In the embodiment shown in the drawings, the "mechanical built-in part" wall region 43 of the primary turbine wheel 6 is controlled by means of cylinder 36 as is the slide member 53 (Fig. 2a). In Yokoyama et al, the same fluid supply line 84 controls both the actuation of the mechanical clutch and of the actuating piston 88 against the bias of return spring 42, which moves stator member 58 between its operating position and its inactive position.

In the present invention, the active position of the mechanical built-in part disturbs the flow in the working chamber when it is in its active position, and when in its inactive position there is no influence on the flow. In Yokoyama et al, when the stator is positioned in its active position, it boosts the flow when inserted in the flow.

In view of the above, it is submitted that Claims 19-21, 23, 24, 26, 27, 29-36 and 38 are not anticipated by Yokoyama et al. Since Claim 1 is not met by Yokoyama et al, none of Claims 22, 25, 28 or 37 would be obvious over the combination of Yokoyama et al with Holler et al.

Although it is submitted that the application is now in condition for allowance, if the Examiner believes that further issues remain, it is requested that he telephone the undersigned at 260-460-1692.

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In the event Applicants have overlooked the need for an extension of time, payment of fee, or additional payment of fee, Applicants hereby petition therefor and authorize that any charges be made to Deposit Account No. 02-0385, Baker & Daniels.

Respectfully submitted,

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I hereby certify that this correspondence is being electronically filed with the United States Patent and Trademark Office on the date indicated below:

JOHN F. NOFFMAN, REGIS. NO. 26, 280
Name of Registered Representative

Signature

February 24, 2009

Date